LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 58 LCA 75.

Bangalore, dated 23rd August 1975.

Ordered that the Defence of India (Amendment) Act, 1975 (32 of 1975) published in Part II, Section I of the Gazette of India Extraordinary dated 1st August 1975 be republished in the Karnataka Gazette for general information.

By Order and in the name of the Governor of Karnataka,

B. NAGESHA RAO,

Under Secretary to Government,
Deptt. of Law and Parly. Affairs

Assented to on 31st July 1975 Act No. 32 of 1975

THE DEFENCE OF INDIA (AMENDMENT) ACT, 1975

AN

ACT

to amend the Defence of India Act, 1971.

BE it enacted by Parliament in the Twenty-sixth year of the Republic of India as follows:—

1. *Short title and duration.* (*1*) This Act may be called the Defence of India (Amendment) Act, 1975.

(2) The amendments made to the Defence of India, Act, 1971 (42 of 1971) (hereinafter referred to as the principal Act), by the provisions of this Act shall remain in force during the period of operation of the Proclamation of

Emergency issued under clause (1) of article 352 of the Constitution on the 25th day of June, 1975 and for a period of six months thereafter but their expiry under the operation of this sub-section shall not affect.—

(a) the previous operation of or anything duly done or suffered under, the principal Act, as amended by this Act, or any rule made thereunder or any order made under any such rule, or

(b) any right, privilege, obligation or liability acquired accrued or incurred under the principal Act, as amended by this Act, or any rule made thereunder or any order made under any such rule, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence under the principal Act, as amended by this Act, or any contravention of any rule made thereunder or of any order made under any such rule, or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the said amendments had not expired.

2 *Amendment of long title.* In the long title to the principal Act, after the words "civil defence", the words "and internal security," shall be inserted.

3. *Amendment of preamble.*—In the preamble to the principal Act,—

(a) in the first paragraph,—

(i) for the word "Proclamation," the word "Proclamations" shall be substituted;

(ii) after the words "by external aggression", the words "and by internal disturbance" shall be inserted;

(b) in the second paragraph, after the words "and civil defence", the words "and internal security" shall be inserted.

4. *Amendment of section 1.*—In section 1 of the principal Act,—

(a) in sub-section (1), for the words "the Defence of India", the words "the Defence and Internal Security of India" shall be substituted ;

(b) in sub-section (3), for the words "shall remain in force during the period of operation of the Proclamation of Emergency", the following shall be substituted, namely:—

"shall, subject to the provisions of the Defence of India (Amendment) Act, 1975, remain in force during the period of operation of the Proclamation of Emergency issued on the 3rd day of December 1971".

5. *Amendment of section 2.*—In section 2 of the principal Act, in clause (g), after the words, figures and letters "the 3rd day of December 1971", the words, figures and letters "or the Proclamation issued under that clause on the 25th day of June, 1975" shall be inserted.

6. *Amendment of section 3.*—In section 3 of the principal Act,—

(*a*) in sub-section (1), after the words "civil defence," , the words "the internal security," shall be inserted ;

(*b*) in sub-section (2),—

(*i*) in clause (4),—

(*A*) in the opening paragraph, for the words " or civil defence," the words, "civil defence or internal security" shall be subsituted ;

(*B*) in sub-clause (*e*), after the words "civil defence", the words, "internal security" shall be inserted ;

(*ii*) in sub-clause (*a*) of clause (7), sub-clause (j) of clause (10) and clause (32), after the words "civil defence.", the words "the internal security," shall be inserted;

(*iii*) in clause (9), after the words "any scheme of defence", the words "or any scheme for the prevention of internal disturbance" shall be inserted;

(*iv*) in clauses (21), (25) and (27), after the words "civil defence", the words "or for internal security" shall be inserted;

(*v*) in clause (40)' after the words "civil defence",' the words "or the internal security" shall be inserted;

(*vi*) in clause (46), after the words "civil defence", the words "to the internal security" shall be inserted;

(*c*) in sub section (3), in clause (*viii*), after the words "civil defence", the words "or the internal security' shall be inserted.

7. *Amendment of section 6*.—In section 6 of the principal Act, in sub-clause (*a*) of clause (1), and in sub-clauses (*a*) and (*d*) of clause (6), for the words "Defence of India Act", wherever they occur, the words "Defence and Internal Security of India Act" shall be substituted.

8. *Amendment of section 16*.—In sub-section (1) of section 16 of the principal Act, after the words "civil defence,", the words 'the internal security," shall be inserted.

9 *Amendment of section 23*.—In sub-section (1) of section 23 of the principal Act, after the words "civil defence,", the words "internal security," shall be inserted.

10. *Amendment of section 38*.—In section 38 of the principal Act, for the words "and the defence of India

and civil defence", the words, " the defence of India and civil defence and the internal security" shall be substituted.

11. Repeal and saving .—(1) The Defence of India (Amendment) Ordinance, 1975. 5 of 1975 is hereby repealed.

(2) Notwithstanding such repeal, any rules made, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been made, done or taken under the principal Act, as amended by this Act, as if this Act had come into force on the 30th day of June, 1975.

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